

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PRISCILLA HARE : CIVIL ACTION
 :
 v. :
 :
 H&R INDUSTRIES, INC. : NO. 00-CV-4533

MEMORANDUM & ORDER

J.M. KELLY, J.

July 18, 2002

Before the Court is Plaintiff's Petition for Attorney's Fees. Plaintiff has filed a Complaint alleging violations of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e to 2000e-17 (1994) and the Pennsylvania Human Relations Act, 43 Pa. Con. Stat. Ann. §§ 951-963 (West 1991).

Plaintiff is the prevailing party in this matter. Plaintiff's request for counsel fees is \$76,311.50. This includes a supplemental petition of \$5,724.00 for attorney's fees filed on the day of oral argument. A fundamental problem is that plaintiff's counsel's time records were not available for inspection by defendant's counsel. Plaintiff's counsel testified that she keeps her daily work activity on one sheet of paper regardless of the number of clients it pertains to. At the end of the day, someone in her staff takes that sheet of paper and enters the times as to the different cases noted. The original paper is then destroyed. Also, plaintiff's counsel does not distinguish between travel time and actual time spent as counsel. I have attempted to estimate the travel time according to testimony received at the hearing on this matter and compensate

the plaintiff's counsel at one-half of her normal time. This results in a travel time compensation of \$135.00 per hour. See, Stair v. Lehigh Valley Carpenter Local Union No. 600 of United Bros. Of Carpenters and Joiners of America, No. Civ.A. 91-1507, 1994 WL 172727, at *3 (E.D. Pa. May 6, 1994).

Plaintiff's counsel avers that her standard rate of compensation in employment matters is \$270.00 per hour. In defendant's opposition to plaintiff's petition for attorney's fees, there is no contention that plaintiff's counsel is seeking an exorbitant hourly rate. The contention between the parties is that plaintiff's attorney, who espouses to be an expert in employment discrimination cases, spends an inordinate amount of time on routine matters that should be left for a paralegal or secretarial staff. Plaintiff's attorney avers that she does not use a paralegal and that she has a secretary. On plaintiff's attorney's letterhead a paralegal is noted.

Plaintiff's attorney has submitted 31 pages (including her supplemental petition) of entries of work performed. The total amount that plaintiff's attorney avers in her petition is 282 hours. I must agree with defendant's counsel that many of the tasks performed by plaintiff's counsel are routine and clerical matters such as faxing letters, making appointments and

other routine matters that lead counsel does not usually perform.

Defense counsel questions the time allotted to various depositions as excessive, but does not give the Court a contrary amount of time. Plaintiff's attorney attributes some time to her handling of police matters involving the plaintiff. One was concerning a tire flattening, another was concerning house arrest. These, of course, are not related to the trial. Plaintiff's attorney also attributes to her petition a motion for a jury trial in which she was unsuccessful. Plaintiff's counsel seeks compensation for filing three amendments to her Pretrial Memorandum. Together they approximate 1 hour of time. I have allowed ½ hr as I consider these amendments excessive litigation.

After review of the specific entries, I believe that 18 hours should be deducted from the plaintiff's counsel request because of not availing herself of her secretarial staff, for charging for a motion that was decided against her, and for charging in some instances excessive time for someone who is an expert in employment discrimination cases. In sum, I believe the total amount to be deducted from her request is \$4,860.00 (See Attachment A). Plaintiff is entitled to counsel fees in the

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amount of \$71,451.50. Accordingly, it is ordered that defendant, H&R Industries, Inc. shall pay plaintiff's attorney a fee of \$71,451.50.

BY THE COURT:

JAMES MCGIRR KELLY, J.